

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7817

MARCO A. CALITO CORADO, a/k/a Marco Antonio
Calito Corado,

Petitioner - Appellant,

versus

JANET RENO,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CA-99-270-3)

Submitted: May 22, 2001

Decided: June 1, 2001

Before NIEMEYER and MICHAEL, Circuit Judges, and HAMILTON, Senior circuit Judge.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Marco A. Calito Corado, Appellant Pro Se. Deborah C. Stanley, Richard F. Stein, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Marco A. Calito Corado filed an untimely appeal of the district court's order dismissing his petition under 28 U.S.C.A. § 2241 (West 1994 & Supp. 2000). We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions in which the United States is a party have sixty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1)(B). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on December 22, 1999; Calito Corado's notice of appeal was filed on October 13, 2000, which is beyond the sixty-day appeal period. Calito Corado's failure to note a timely appeal or timely request an extension of the appeal period leaves this court without jurisdiction to consider the merits of his appeal. We therefore dismiss the appeal of the district court's December 22, 1999, order.

Calito Corado also appeals the district court's order of November 3, 2000, denying his request for an extension to file an untimely notice of appeal. We affirm that order because the re-

request itself was untimely. See Fed. R. App. P. 4(a)(5)(A)(i) (requiring request for extension of time to appeal to be filed within thirty days after expiration of appeal period).

We deny Calito Corado's second motion for a stay of removal and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED IN PART, AFFIRMED IN PART